

INFORMATION LETTER

Not for
Publication

NATIONAL CANNERS ASSOCIATION

For Members
Only

No. 787

Washington, D. C.

May 11, 1940

CANNERS' ASSOCIATIONS TESTIFY AT HEARING ON "AREA OF PRODUCTION"

Evidence Prepared from Surveys Made in Various States Submitted

Representatives of State and regional canners associations presented testimony at a public hearing held in Washington on May 9 and 10 called by the administrator of the Fair Labor Standards Act in his reexamination of the definition of "area of production." Spokesmen for the California Farm Bureau Federation, American Farm Bureau Federation, American Federation of Labor, and United Cannery, Agricultural, Packing and Allied Workers of America also testified at the hearing. Merle D. Vincent, director of the Hearings Branch of the Wage and Hour Division, acted as presiding officer.

The announcement of the hearing, as noted in the INFORMATION LETTER of April 13, stated that evidence was desired on all relevant factors. Nine points were enumerated particularly in the announcement as factors on which testimony would be received. In response to the announcement, the representatives of the canning industry submitted factual evidence prepared from surveys made in their respective States and regions. The request was made that testimony given by representatives of the canning industry at previous hearings on the "area of production" definition, be included in the record of the present hearing.

Mr. Vincent, in opening the hearing, read into the record the following statement of Colonel Fleming, administrator of the Wage and Hour Division, announcing the reexamination of the definition of "area of production":

"In my opinion Congress intended to protect the farmer from any direct adverse effect on his market by the Fair Labor Standards Act. It imposed on the administrator the duty to define 'area of production' in such terms as would provide that wages and hours required by the Act should not be paid for by a direct reduction in the farmer's selling price.

"Therefore, I am going to re-examine the whole question of 'area production' to see if we cannot work out a flexible definition or definitions which will not affect farmers' selling prices. In doing so, I should like to emphasize, we want to be careful that every worker engaged in industrial operations who is now covered by the Act remains under the Act. In a re-examination of 'area of production' we are confining ourselves to the actual, measureable effect upon farm prices. It may well be that if we can make our definitions more elastic we can eliminate many of the criticisms of the Act, especially those which originate in agricultural areas, without reducing to any appreciable extent the number of persons receiving its benefits."

The representatives of State and regional canners associations who testified were:

Otto Lowe, Eastern Shore of Virginia Packers Association.
Herbert E. Gray, Canners League of California.
Roy C. Chard, Iowa-Nebraska Canners Association.
John F. McGovern, Minnesota Canners Association.

Marvin Verhulst, Wisconsin Canners Association.
S. B. Cutright, Illinois Canners Association.
Don S. Morgan, Michigan Canners Association.
Robert E. Jackson, Indiana Canners Association.
J. I. Smith, Ohio Canners Association.
William A. Free, Pennsylvania Canners Association.
F. Webster Browne, Maine Canners Association.
L. A. Taylor, Association of New York State Canners.
Frank M. Shook, Tri-State Packers Association.
John R. Hinton, Tidewater Canners Association.
C. C. Rathbun, Florida Canners Association.
Harvey F. Cahill, Utah Canners Association.
J. A. Burch, South Texas Canners Association.
Fred C. Bush, Tennessee-Kentucky Canners Association.
Frank Spurgin, Ozark Canners Association.

The following individual canners testified:

Stuart Farrar of New York State.
Ralph O. Dulany of Maryland.
Henry P. Taylor of Virginia.
Walter Maule of Pennsylvania.

PEA CROP CONDITION REPORT

Association's Reporting Districts Provide Data on Weather and Rainfall

Reports of conditions of the pea crop from most of the Eastern and Mid-Western pea growing districts indicate seeding behind schedule with considerable danger of bunching at harvest time. There is little to indicate the course of temperatures for the next few weeks. To date temperatures have for the most part been below normal. It is recognized, however, that temperature is a very important factor in the growing of peas, particularly during the critical period from blossoming to fill of pods.

Experiments that have been conducted to show the effect of temperatures on the yield of peas indicate that when temperatures during this vital period of growth were from 65 to 75 degrees, yields were highest. Temperatures above 75 degrees during the period from blooming to harvest have reduced the yield of peas. Temperatures higher than 75 or 80 have reduced the yields materially. As a matter of fact, the curve showing the relation of pea yields to temperatures drops very rapidly after temperatures reach 75. It should be pointed out, however, that the effect of the high temperatures on pea yields is in relation to the duration of that high temperature. If, for example, temperatures for 23 hours of the day are below 75 with only 1 hour of 75 degrees, the effect of the high temperature on the yields would probably not be noticed. If, however, a temperature of 75 or more continues for a number of hours, yields are likely to be reduced accordingly. Thus one should be concerned not only about the number of days when temperatures reach 75 but also about the number of continuous hours during which the temperature is 75 or above.

MAINE—No planting to date owing to heavy rain. Will probably not be able to plant for a week or ten days. Only about 75 per cent of contemplated acreage contracted.

NEW YORK I—Acreage 30 to 50 per cent planted. Rains during the early part of the week prevented planting. The latter part of the week, however, has been favorable for planting but temperatures have been low.

WISCONSIN I—Alaskas 70 per cent planted, Sweets about 20 per cent. Temperature has been below normal and ground is cold. Moisture is sufficient for surface needs.

WISCONSIN II—Early planted Alaskas show about 85 per cent stand; a few report 90 per cent stand. Early Sweets will be up about the last of this week. A little over half of the Alaskas has been seeded; about 25 per cent of the Sweet acreage has been planted. Rains and heavy snow prevented planting during the early part of the week. Planting resumed on May 5 and 6, but rain again on Tuesday stopped planting. Moisture sufficient for present needs. Temperature has been cool except for two days when temperature reached 75.

WISCONSIN III—First planting of Alaskas not up as yet. More than one foot of snow held up planting until May 6. First Sweets were planted on Monday. Only about half of the Alaska acreage planted. Planting in full swing Monday and Tuesday but was stopped by rain Tuesday. If favorable weather continues, canners expect to finish about May 21 or 22.

WISCONSIN IV—About one-half of Alaska acreage planted. Expect to finish planting Alaskas about May 20. Plantings of April 19 just coming up but not enough to calculate stand. Started planting Sweets on May 7. Temperature has been very cool. Moisture deficient—rain needed.

WISCONSIN V—Early plantings of Alaskas show about 100 per cent stand but growth has been very slow. Plants are rugged, however, with good color and strong root systems. Seeding about 80 per cent completed; expect to finish about May 9. Sub-soil moisture deficient; surface soil moisture deficient in south but adequate in northern part of the district. No rainfall except very light shower during the week.

MINNESOTA—Southern part of state reports 80 per cent of acreage planted with stands of Alaskas and Early Sweets about 90 per cent. Alaska vines about 2 inches tall which is about normal for this date. Expect to finish planting about 10th of May. Remainder of the State reports peas not far enough along for a count of stand. Temperatures have been below normal. Soil moisture fair due to few scattered showers.

NEW YORK II—From 15 to 30 per cent of acreage planted. No peas coming up as yet. Rains and cold weather have prevented planting during the greater part of the week.

NEW YORK III—Acreage from 20 to 40 per cent planted. Rains during early part of the week interfered with seeding. Seeding started again Tuesday and it is expected that 75 to 90 per cent of the acreage will be planted by the 11th.

NEW YORK IV—About 20 per cent of acreage seeded. Excessive rain during early part of week prevented planting. Planting resumed the latter part of the week and it is expected that most of the seed will be in the ground by the end of this week.

MIDDLE-ATLANTIC I—Alaskas started blooming on May 4. Growth about normal. Packing of Alaskas will probably begin the last week of May. No aphid infestation reported.

MIDDLE-ATLANTIC II—Alaskas growing very well with vines from 8 to 10 inches tall. No aphid infestation. Rain on Wednesday materially benefited the crop. Temperatures have been ideal for growth.

MIDDLE-ATLANTIC III—Stand of Alaskas 80 to 90 per cent; stand of Sweets very spotty. Growth of vines from 2 to 4 inches for Alaskas and Early Sweets. Late Sweets break-

Next Issue of Letter Will Cover Board Meeting

In order to publish a full report of the meetings of the Association's Board of Directors, Administrative Council, and several committees, which are being held in Washington, D. C., from May 14 to 18, the next issue of the INFORMATION LETTER will be delayed. The LETTER will be mailed on Tuesday, May 21, rather than on the regular publishing day, May 18.

ing through the ground. A few canners are sowing peas this week. Probably not more than 75 per cent of the anticipated acreage will be seeded.

OHIO—Stand of early planted Alaskas from 60 to 90 per cent. Later planting of Alaskas and Early Sweets are not through the ground as yet. About 65 per cent of the total acreage planted. It is expected that all peas will be planted by the end of this week.

INDIANA—Alaska peas planted during week of March 17 appear to be damaged from 15 to 25 per cent from the freeze of April 12 and 13. Later planted peas, however, are growing well. Weather since the 4th of May has been favorable for growth. Fields are clean but vines short.

MICHIGAN—Early planted peas just coming up but not enough to calculate stand. Cold rains held up planting this week. Planting of Late Sweets just starting.

IOWA—Alaskas and Late Sweets that are up show 98 per cent stand. Alaska vines are about 2½ inches high and Late Sweets about 1 inch. Freezing temperatures were reported on three days with no damage to peas. Crop now appears to be from a week to ten days later than normal. Warm weather toward the end of the week has stimulated growth.

COLORADO—Stands of early planted Alaskas show about 95 per cent of average with vines about 3 inches high. About 50 per cent of the acreage of Early and Late Sweets is up with stands fairly good. Finished planting May 2.

UTAH—Stand of both Early and Late Sweets about 90 per cent. Early Sweets show growth of vines about 3 inches with Late Sweets about 2 inches. No aphid infestation. Cool weather at nights has caused vine growth to be slow but germination has not been hindered. Rain is needed. Irrigation will be necessary if there is no rain within the next few days.

WYOMING—Stand of Late Sweets about 98 per cent. Growth of vines good. Temperatures have been about normal during the week.

WASHINGTON-OREGON I—Fields on lowest elevation show stands of from 90 to 98 per cent with normal growth of vines. Higher elevations are still cold and late plantings are progressing slowly because of showers. Expect to finish planting, however, this week. Plantings now appear to be only a little behind schedule. Yields are unusually clean and peas free from insect infestation. Temperatures are a little below normal but moisture is abundant.

WASHINGTON-OREGON II—Early Sweets show a stand of about 95 per cent with vines about 2 inches high. Some acreage has been lost because of heavy rains. Planting of Late Sweets has been delayed because of rains. May not be able to continue seeding for another week.

PUGET SOUND—First plantings coming up with good stand. Early Sweets being seeded this week. Rains prevented planting a few days during the week. There is plenty of moisture and growing conditions are about normal.

The following table shows temperature and rainfall data for the weeks ending May 7, 1939 and 1940:

REPORTING DISTRICT	Temperature Departure from normal		Rainfall	
	1939 Degrees	1940 Degrees	1939 Inches	1940 Inches
Maine.....	- 1	+ 2	T	1.3
New York I.....	+ 6	- 1	T	0.8
New York II.....	+ 2	- 3	T	0.6
New York III.....	+ 5	- 1	T	0.8
New York IV.....	+ 8	+ 1	0.0	1.0
Mid-Atlantic I.....	+ 3	- 2	0.3	0.8
Mid-Atlantic II.....	+ 7	- 1	T	0.6
Mid-Atlantic III.....	+ 6	+ 2	0.0	0.3
Ohio.....	+ 3	- 6	T	0.2
Indiana.....	+ 4	- 9	0.2	1.4
Illinois.....	+ 5	- 4	1.3	1.1
Michigan.....	+ 7	- 7	0.2	1.0
Wisconsin I.....	+10	- 5	0.9	1.2
Wisconsin II.....	+ 9	- 6	0.9	0.5
Wisconsin III.....	+11	- 5	0.5	0.4
Wisconsin IV.....	+10	- 5	1.3	0.2
Wisconsin V.....	+ 9	- 5	1.7	T
Minnesota.....	+ 9	- 5	1.9	T
Iowa.....	+ 8	- 4	1.7	0.3
Nebraska.....	+ 9	0	0.5	0.2
Colorado.....	+ 6	+ 8	0.1	T
Utah I.....	+ 7	+ 6	T	0.0
Utah II.....	+ 7	+ 6	T	0.0
Utah III.....	+ 7	+ 6	T	0.0
Wyoming.....	+ 6	+ 7	0.2	0.0
Montana.....	+ 7	+ 3	T	0.1
Washington-Oregon I.....	+ 2	- 1	T	0.3
Washington-Oregon II.....	+ 1	+ 4	T	3.2
Puget Sound.....	+ 1	+ 3	0.2	1.7

Amendments to Cherry Standards

A hearing has been called for the purpose of considering amendments to the standards of identity and quality for cherries. The proposals were published in the *Federal Register* for May 7. The hearing on both proposals is scheduled for 10 A. M., June 5, 1940, in Room 3106, South Building, Department of Agriculture, Washington, D. C.

The proposed change in the standard of identity would permit the use of the words "red tart" as alternative to "red sour" on this type of cherries. The standard (§ 27.030) would be amended as follows:

(1) By inserting, in subsection (a) (1), immediately after "red sour" the words "or red tart".

(2) By inserting in subsection (b) (1), immediately after "red sour" the words "or red tart".

(3) By inserting, in subsection (b) (1), immediately after "red sour pitted" the words "or red tart pitted".

The proposed amendment to the standard of quality is concerned with the method of estimating the number of pits, and provides a more lenient basis for counting fragments of pits. It is proposed to amend the standard of quality (§ 27.031) as follows:

By striking out, in subsection (b) (1), the following two sentences: "Count the pits and pieces of pits in such total quantity. Count a piece of pit equal to or smaller than $\frac{1}{2}$ pit as $\frac{1}{2}$ pit; count a piece of pit larger than $\frac{1}{2}$ pit as 1 pit" and by inserting in lieu thereof, the following:

"Count the pits in such total quantity. Where pieces of pit shell are found in any single cherry, count these pieces as one-half pit if the total number of such pieces is not more than enough to be the equivalent of one-half pit shell; count such pieces of pit shell as one pit if the total number of such pieces is enough to be the equivalent of more than one-half pit shell, provided that in no case shall pieces all contained within one cherry be counted as more than one pit. Count pieces of pit shell loose in the juice, equal to or

smaller than one-half pit as one-half pit, count such pieces larger than one-half pit shell as one pit."

M. F. Markel has been designated as the presiding officer for the hearing, and affidavits in lieu of personal testimony may be sent to him at Room 2317, South Building, Department of Agriculture prior to the time of the hearing.

Amendments to Asparagus Standards

Amendment of the standard of identity for canned asparagus will be considered at a public hearing to be held on June 3, at 10 A. M., in Room 1039, South Building, Department of Agriculture, Washington, D. C.

The proposed changes, which were published in the *Federal Register* of May 3, are in the requirements with respect to length of spears, tips and points. They would amend the standard as follows:

(1) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "four inches or more of upper end," which refer to the optional form of asparagus known as stalks or spears, and inserting in lieu thereof, the following: "More than three and three-quarters inches of upper end."

(2) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "four inches or more of peeled upper end," which refer to the optional form of asparagus known as peeled stalks or peeled spears, and inserting, in lieu thereof, the following "More than three and three-quarters inches of peeled upper end."

(3) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "three and one-quarter to less than four inches of upper end," which refer to the optional form of asparagus known as tips, and inserting, in lieu thereof, the following: "Two and three quarters to three and three-quarters inches of upper end."

(4) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "less than three and one-quarter inches of upper end," which refer to the optional form of asparagus known as points, and inserting, in lieu thereof, the following: "Less than two and three-quarters inches of upper end."

All interested persons are invited to attend the hearing. Affidavits in lieu of personal testimony may be addressed to Michael F. Markel, Room 2317, South Building, Department of Agriculture, who has been designated presiding officer.

F. T. C. Order Against Standard Brands Modified

The Federal Trade Commission has modified a part of its cease and desist order and findings issued in June, 1939, against Standard Brands, Incorporated, New York, and its subsidiary, Standard Brands of California, San Francisco. An account of the original order appeared in the INFORMATION LETTER of June 24, 1939, page 5892.

The original order prohibited price discriminations in violation of the Robinson-Patman Act in the sale of bakers' yeast of like grade and quality but dismissed the Commission's complaint in so far as it applied to the sale and distribution of foil yeast, the kind sold in small cakes for individual use.

The modified order does not alter the provisions prohibiting discrimination in the sale of bakers' yeast but vacates the dismissal of the allegations concerning foil yeast, restates the findings in regard thereto and specifically forbids certain discriminations in the sale of foil yeast.

FOOD LAW OPINIONS

Excerpts from Letters of Food-Drug Administration on Labeling Statements

Excerpts from several letters of the Food and Drug Administration on labeling statements have been obtained by the Association, and are reproduced below. These opinions of the Administration concern label information on shipping packages, labeling of fish and fish fillets, label declaration of citric acid used in treating crabmeat, and statement of variety on canned field corn. In addition, excerpts are included from letters with regard to the jurisdiction of the Federal Food, Drug, and Cosmetic Act in Hawaii, the Philippine Islands, Puerto Rico, the Virgin Islands, and the Canal Zone.

Label information on shipping packages.—The Food and Drug Administration told the correspondent that if by "shipping package" he refers to a package that may be used by the consignee for display purposes,

"we think the information required by the law to appear upon the label should appear upon such package. If, however, the 'shipping package' is merely a container for protection of the goods during transportation which will be discarded by the consignee upon receipt of the goods, we would not consider that it should necessarily carry the information required by the law to appear upon the label."

Labeling of fish and fish fillets. Species of fish necessary to be declared.—Correspondent inquired whether objection would be raised to the designating of fish fillets produced from Whiting (Silver Hake) by brand names, which would partly but not entirely reveal the species of the fish.

"* * * Your attention is directed to Section 403 which deals with the misbranding of food, and particularly to paragraph (1) clause (1), which states that food for which no standard of identity has been promulgated shall be deemed to be misbranded unless its labeling bears the common or usual name of the food, if any there be. In this case the common or usual name of the fish is 'Whiting' or 'Silver Hake,' and in accordance with the provisions of the law fillets prepared from such fish must be so labeled, regardless of the brand name that may be used. We see no objection to the use of the designations given in your letter as brand names on labels for Whiting fillets, with the reservation, of course, that fish labeled as 'Cape Cod Fillets' must be produced in that geographical area, provided the labels also bear a plain and conspicuous declaration that the fish is Whiting or Silver Hake. We cannot view the proposed designations as acceptable substitutes for the common or usual names for this species of fish."

Salt or citric acid on crabmeat.—"This Administration has conducted no experimental work on the canning of crabmeat and we cannot advise you as to whether or not the pretreatment method of dipping the crabmeat in acidified brine, which you describe, will suit your purposes. In any event, we have no authority actually to approve processes. The most we can say in this connection is that we are aware that technologists who have studied methods of crabmeat canning have recommended dipping the meat in brine containing citric acid in order to prevent discoloration during subsequent processing, and that we see no objection to the procedure. On the assumption that following immersion in the acidified brine the crabmeat is to be thoroughly drained, and that salt and citric acid are not added directly to the canned product as constituents of a packing medium, in other words that the product is 'dry packed,' we are not disposed to require that the labels bear a statement of added salt or citric acid."

Statement of variety on canned field corn.—In response to a telegraphic inquiry, the following reply was made: "* * * no objection use subordinate supplementary statement on field corn labels reading 'yellow variety' or 'white variety.' However, possibility of consumer confusion with sweet corn too great to sanction similar statement using word 'golden' in any manner."

Jurisdiction in Hawaii, Philippine Islands, Puerto Rico, Virgin Islands and Canal Zone.—"* * * Since Hawaii is a territory organized with a legislative body, distribution and sales of food and drugs, as well as cosmetics and devices within the Territory of Hawaii do not constitute interstate commerce, as you will note by Section 201 (b). Section 301 (g) does apply; in other words the Federal Act prohibits the manufacture within any territory of an adulterated or misbranded food, drug, device and cosmetic."

"There has, of course, been no judicial determination of the question which you raise concerning the application of the new law to the Philippine Islands. However, it is obvious from a consideration of Section 201 (b) of the Act that traffic within the islands is not subject to the statute since the Philippines are organized with a legislative body. Furthermore, the Act of August 29, 1916, 39 Stat. 547, U. S. C. Title 48, Section 1003, provides that the statutory laws of the United States enacted subsequent to August 29, 1916, shall not apply to the Philippine Islands except when they specifically so provide, or it is provided in the cited chapter."

"Administratively, it is to be anticipated that this Administration will regard products which have been manufactured in the United States and shipped to the Philippines, as in essentially the same status as products exported to foreign countries and will be guided insofar as the section is applicable by the rules laid down in Section 801 (d) of the statute."

"Shipments of food, drugs and cosmetics from the continental United States to the Philippines, Puerto Rico, or the Virgin Islands are subject to the labeling and other provisions of the Act. In the case of Puerto Rico or the Virgin Islands, shipments to those territories would move into interstate commerce as that term is defined in the Act. * * *"

"Section 201 (a) exempts the Canal Zone only insofar as goods produced and sold wholly within that territory are concerned."

Public Hearing Held on Modification of the Definition of Canned Tomatoes

On May 2, 1940, the public hearing was held on the proposed amendment to the existing definition for canned tomatoes to permit the addition of small amounts of calcium salts to prevent breakdown of tomato tissue. This amendment was requested by the tomato canning industry and is described in our INFORMATION LETTER of April 6, 1940.

The scientific studies on which the use of calcium in canned tomatoes is based were outlined by the testimony of Dr. Z. I. Kertesz, the originator of the procedure. Additional technical information was presented by two other chemists associated with the canning industry.

Three commercial canners of tomatoes testified that they were familiar with experimental packs showing the desirable effect of small quantities of calcium on the solidity of canned tomatoes. One representative of consumer interest said that there is demand by housewives for whole tomatoes in cans. No direct testimony was introduced by the Government.

Proposed findings of fact and proposed regulations based upon the testimony must be filed with the hearing clerk not later than Monday, May 13. A statement by the National Canners Association will be filed at that time.

MARCH SUGAR IMPORTS

Increase 7.4 Per Cent from Amount Released for Consumption During February

Imports of sugar for consumption during March, including quantities released from bonded warehouses, were 7.4 per cent larger than during February. Imports during March amounted to 906,501,719 pounds, as compared with 844,179,361 pounds released for consumption during February.

In the table below, compiled from a report of the Department of Commerce, are shown imports into the United States of raw and refined sugar, both dutiable and free, during February:

Origin	Raw		Refined	
	Dutiable Pounds	Free Pounds	Dutiable Pounds	Free Pounds
Foreign countries:				
Cuba.....	351,780,491		70,025,156	37,600
Guatemala.....		10,685		
Peru.....	8,953,462			
Netherlands Indies.....		15,114		
Philippine Islands.....	320,000	111,614,814	8,499,200	
China.....	4,000			
Hong Kong.....	4,650			
Total.....	361,062,603	111,640,613	78,524,356	37,600
U. S. Territories:				
Hawaii.....		128,589,815		
Puerto Rico.....		162,335,832		64,310,900
Total receipts....	361,062,603	402,566,200	78,524,356	64,348,500

The following table shows the imports of sugar by ports of entry. These figures also include imports for direct consumption and withdrawals from bonded warehouses within the United States:

Port of Entry	Raw		Refined	
	Dutiable Pounds	Free Pounds	Dutiable Pounds	Free Pounds
Massachusetts.....	32,135,464	6,719,892		
New York.....	86,469,547	58,444,466	16,806,860	36,400
Philadelphia.....	41,704,350	2,240,000	5,400,000	
Maryland.....	39,943,473	13,970,647	13,230,696	1,200
Virginia.....	5,417,903		2,600,000	
North Carolina.....	180,387		11,283,500	
South Carolina.....			6,800,000	
Georgia.....	11,966,955			
Florida.....			8,900,000	
Mobile.....			1,004,100	
New Orleans.....	124,364,029	30,239,809	2,820,000	
Galveston.....	18,355,645		1,000,000	
San Francisco.....	7,750	15,114	40,000	
Los Angeles.....	240,000	10,685	4,625,000	
Oregon.....			2,600,000	
Washington.....	80,000		1,234,200	
Wisconsin.....	196,200			
Hawaii.....	900			
Total.....	361,062,603	111,640,613	78,524,356	37,600

Monopoly Committee Hearings Postponed

At a meeting of the Temporary National Economic Committee on May 6 the Committee agreed to postpone further hearings until November of this year, according to Senator Joseph C. O'Mahoney, chairman.

Veterans Bureau to Buy Canned Grapefruit

The Procurement Division of the Veterans Administration is asking for bids, to be opened on May 23, on 7,730 dozen No. 5 cans of grapefruit, packed 12 to the case. The grapefruit is to be shipped f.o.b. the following points: Perryville, Md.; San Francisco; and Chicago.

Washington Remains on Standard Time

Although a number of eastern cities changed recently to Daylight Saving Time, Washington, D. C., remains on Eastern Standard Time. The offices of the Association, therefore, continues to observe Eastern Standard Time.

GREEN LIMA BEANS FOR PROCESSING

Agricultural Marketing Service Reports Indicated Acreage Plans

Reports received by the Agricultural Marketing Service from canners and freezers of green lima beans indicate the 1940 plantings in the United States may total 53,000 acres. If these late April plans are carried out, the 1940 planted acreage will exceed the 50,170 acres estimated for 1939 by about 6 per cent and the average plantings of 32,170 acres for the preceding 9-year (1930-38) period by 65 per cent, the Marketing Service states.

Abandonment of acreage planted to green lima beans for processing as a result of unfavorable growing conditions has averaged 4.4 per cent during the 10-year (1930-1939) period. If this loss of planted acreage is assumed for 1940, a planting of 53,000 acres will result in about 50,700 acres for harvest. The revised estimate of acreage harvested in 1939 is 49,100 acres and for the preceding 10-year (1929-38) period it averaged 29,970 acres.

The following table shows, by groups of States, the acreage that would result, according to the Agricultural Marketing Service, if these late April intentions to contract and plant are carried out. These intentions may be modified considerably before plantings are actually made, and therefore are not to be considered as plantings for the coming season.

State	Planted Acreage				Intended in 1940	
	1936 Acres	1937 Acres	1938 Acres	1939 Acres	Per cent of 1939	Acres indicated
New Jersey.....	6,500	11,000	13,100	10,800	102.8	33,500
Delaware.....	8,500	10,700	11,000	11,000		
Maryland.....	3,320	3,200	3,700	3,100		
Virginia.....	5,500	6,600	7,400	7,700		
Michigan.....	3,820	3,650	4,250	1,700	125.3	4,700
Wisconsin.....	1,160	1,900	2,000	2,050		
Other States.....	5,640	9,560	13,560	13,820	107.1	14,800
Total.....	34,440	46,670	55,010	50,170	105.6	53,000

In the table below is shown the Agricultural Marketing Service's recapitulation of plantings for freezing and for canning or other processes.

Acreage	1936	1937	1938	1939	Intended 1940
Planted for freezing.....	Data not available		13,380	12,720
Planted for canning and other processing.....			41,630	37,450
Total.....	34,440	46,670	55,010	50,170	53,000

Estimate of Pineapple Pack in Cuba

The Cuban output of canned pineapple in 1939 amounted to about 250,000 cases, according to the American consulate at Habana. It is estimated that the 1940 season's output will amount to approximately 300,000 cases.

Intended Acreage of Pimientos for Processing

If pimiento packers in California and Georgia carry out the plans that they had in mind when reporting to the Agricultural Marketing Service late in April, the 1940 plantings for processing in these two States will total 20,190 acres, the Service reports. The revised estimate of acreage planted in 1939 is 22,090 acres and in 1938, a record high acreage of 26,390 acres was devoted to the production of pimientos for processing.

The following table shows the acreage of pimientos intended for 1940 in California and Georgia. These April intentions may be modified considerably before plantings are actually made, and therefore are not to be considered as plantings for the 1940 season.

State	Planted Acreage				Intended in 1940	
	1936	1937	1938	1939	Per cent of 1939	Acreage indicated
	Acreage	Acreage	Acreage	Acreage	Per cent	Acreage
California.....	1,190	1,190	1,390	1,190	58.0	690
Georgia.....	11,200	12,900	25,000	20,900	93.3	19,500
Total.....	12,390	14,090	26,390	22,090	91.4	20,190

Unsold Stocks of Canned Salmon

Unsold stocks of canned salmon on April 30, 1940, amounted to 1,250,284 actual cases, compared with 1,369,535 cases on March 31, 1940, and 1,255,289 cases on April 30, 1939, according to statistics compiled by the Association of Pacific Fisheries.

These figures are based on reports from companies canning 99 per cent of the 1939 pack and 98 per cent of the 1938 pack. The following table gives details on unsold stocks:

GRADES OR VARIETIES	Number of Cases			Total April 30, 1940	Total April 30, 1939
	Tails (1 pound)	Flats (1 pound)	Halves (8 dozen)		
Chinooks or Kings:					
Fancy Red.....	3,643	2,963	12,086	18,692	42,195
Standard.....	397	4,220	3,306	7,923	10,939
Pale.....	673	138	212	1,023	1,464
White.....	141	11	2	154	427
Puget Sound Sockeyes.	12	5,536	20,804	26,352	62,781
Alaska Reds.....	826,337	10,368	84,953	921,658	784,795
Cohos, Silvers, and Medium Reds.....	22,576	8,389	28,511	59,476	80,793
Pinks.....	95,582	7,535	29,730	132,847	215,368
Chums.....	73,526	5	5,597	81,128	45,469
Bluebacks.....			550	550	1,269
Steelheads.....		467	14	481	909
Totals.....	1,024,887	39,632	185,765	1,250,284	1,255,289

Maximum Hours of Employees of Private Carriers by Motor Vehicles

Col. Philip B. Fleming, administrator of the Wage and Hour Division, when asked to state the Division's position on the status of employees of private carriers by motor vehicles under the Fair Labor Standards Act, in view of the report on May 1, 1940, of the Interstate Commerce Commission as to its proposed regulation of the hours of service of drivers of private carriers made the following statement:

"In paragraph 5 of Interpretative Bulletin No. 9, published by the Wage and Hour Division in May, 1939, and revised the following month, the office of the General Counsel stated its opinion that employees of private carriers by motor vehicle were not within the exemption provided in Section 13(b) (1) of the Fair Labor Standards Act, unless and until the Interstate Commerce Commission made a finding of need to estab-

lish reasonable requirements to promote safety of operation of such carriers.

"The Interstate Commerce Commission has just published its report containing a finding that there is need for Federal regulation of private carriers of property to promote safety of operation of motor vehicles used by such carriers in transportation of property in interstate or foreign commerce. On the basis of this report, the Commission has issued an order prescribing hours of service regulations solely for drivers employed by such private carriers, to be effective on and after August 1, 1940, and accordingly, the exemption in Section 13(b) (1) of the Fair Labor Standards Act will become applicable; but it has been the position of the Division that the Interstate Commerce Commission order has no retroactive application.

"Because of the backlog of uninvestigated complaints with which the Division is faced and the probability that before any authoritative decision could be had in the courts, the Interstate Commerce Commission order would become effective and any injunction suit would be rendered moot, the Division will not take any enforcement action with respect to past violations of the overtime provisions affecting such employees. Nor will the Division take any action to collect restitution for such employees. It will be necessary to leave the questions as to the retroactive effect of the Interstate Commerce Commission order and the collection of restitution for such period to determination in employee suits under Section 16(b) of the Fair Labor Standards Act.

"It must be clearly understood, however, that this statement of the enforcement policy of the Wage and Hour Division with respect to such employees is not to be construed so as to impair or otherwise prejudice the right of any such employee under Section 16(b) of the Fair Labor Standards Act to recover unpaid overtime compensation computed at the rate prescribed in Section 7 of the Act for the period prior to the time the Interstate Commerce Commission regulations become effective."

Service Kitchen Issues New Recipe Booklet

A new recipe booklet, in which the Canny Cook presents "Recipes Around the Clock," has just been issued by the Home Economics Division. The recipes for the booklet were developed by Miss Katherine Smith in the Association's Service Kitchen. Copies of the new publication are being sent to the industry this week and additional copies can be obtained upon request.

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